

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:07-cv-01988-DAP
Internal Use Only**

4R Enterprises, Incorporated v. Reid Asset Management Company
Assigned to: Judge Dan Aaron Polster
Cause: 35:271 Patent Infringement

Date Filed: 07/03/2007
Date Terminated: 08/05/2009
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

4R Enterprises, Incorporated

Pat. # 6,691,557
6,928,861

represented by **Laura J. Gentilcore**
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V.

Defendant

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Counter-Claimant

Reid Asset Management Company

represented by **Todd R. Tucker**
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2009 JUN -14 PM 1:26

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

4R Enterprises, Incorporated,)	
)	
Plaintiff,)	CASE NO. 1:07CV01988
)	
vs.)	
)	
Reid Asset Management Company,)	DISMISSAL ENTRY
)	
Defendant.)	

Reid Asset Management Company,)
)
Counter-Claimant,)
)
vs.)
)
4R Enterprises, Incorporated,)
)
Counter-Defendant.)

After several telephonic conferences with counsel, the Court has been advised by telephone today that this case has settled. Accordingly, the claims and counterclaims are settled and dismissed without prejudice, each party to bear its own costs.

The Court retains jurisdiction over the settlement agreement.

IT IS SO ORDERED.



**Dan Aaron Polster
United States District Judge**

V.

Counter-Defendant

4R Enterprises, Incorporated

represented by **Laura J. Gentilcore**
(See above for address)
ATTORNEY TO BE NOTICED

Mark L. Weber
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Ray L. Weber
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Date Filed	#	Docket Text
07/03/2007	<u>1</u>	Complaint with jury demand against Reid Asset Management Company (Filing fee 350 receipt number 2535560.). Filed by 4R Enterprises, Incorporated. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Civil Cover Sheet # <u>3</u> Summons # <u>4</u> Exhibit A# <u>5</u> Exhibit B)(Weber, Ray) (Entered: 07/03/2007)
07/03/2007		(Court only) Utility Event adding attorney Laura J. Gentilcore for 4R Enterprises, Incorporated, Mark L. Weber for 4R Enterprises, Incorporated. (K, K) (Entered: 07/03/2007)
07/03/2007		Judge Dan Aaron Polster assigned to case. (K, K) (Entered: 07/03/2007)
07/03/2007		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Vecchiarelli. (K, K) (Entered: 07/03/2007)
07/03/2007	<u>2</u>	Summons and Magistrate Consent Form issued to counsel for service upon Reid Asset Management Company. (Attachments: # <u>1</u> Magistrate Consent Form) (K, K) (Entered: 07/03/2007)
07/03/2007		Notice by Clerk that 4R Enterprises, Incorporated failed to file a corporate disclosure statement as required by Local Rule 3.13(b). (K, K) (Entered: 07/03/2007)
11/09/2007	<u>3</u>	Order - Within 10 days upon receipt of this order, the plaintiff shall show cause, in writing, why this case should not be dismissed for want of prosecution. Signed by Judge Dan Aaron Polster on 11/9/07. (P,R) (Entered: 11/09/2007)
11/13/2007	<u>4</u>	Motion for extension of time until December 31, 2007 to Effect Service filed by Plaintiff 4R Enterprises, Incorporated. Related document(s) <u>1</u> . (Weber, Ray) Modified on 11/14/2007 (P,R). (Entered: 11/13/2007)
11/14/2007		Order [non-document] granting <u>4</u> Plaintiff's Motion for Extension of Time until December 31, 2008 to effect service. By Judge Dan Aaron Polster 11/14/07.(P,R) (Entered: 11/14/2007)
12/28/2007	<u>5</u>	Waiver of Summons by <i>Reid Asset Management Company</i> returned. Waiver mailed on <i>December 28, 2007</i> filed on behalf of 4R Enterprises, Incorporated (Weber, Ray) (Entered: 12/28/2007)
02/26/2008	<u>6</u>	Answer to <u>1</u> Complaint, with Jury Demand, Counterclaim against 4R Enterprises, Incorporated filed by Reid Asset Management Company. (Tucker, Todd) (Entered: 02/26/2008)
03/14/2008	<u>7</u>	Case Management Conference Scheduling Order . Case management confrence to be held on 4/1/2008 at 09:00 AM at Chambers 18B before Judge Dan Aaron Polster. Signed by Judge Dan Aaron Polster on 3/14/08. (P,R) (Entered: 03/14/2008)
03/18/2008	<u>8</u>	Answer to Counterclaim filed by 4R Enterprises, Incorporated. Related document(s) <u>6</u> . (Weber, Ray) (Entered: 03/18/2008)
03/27/2008	<u>9</u>	Joint Report of Parties' Planning Meeting. Parties do not consent to this case being assigned to the magistrate judge. filed by 4R Enterprises, Incorporated. Related document(s) <u>7</u> .(Weber, Ray) (Entered: 03/27/2008)
03/28/2008	<u>10</u>	Notice - Case management conference rescheduled for 4/2/2008 at 10:00 AM at Chambers 18B before Judge Dan Aaron Polster. (P,R) (Entered: 03/28/2008)
04/02/2008	<u>11</u>	Notice - Case management conference reset for 4/8/2008 at 1:30 PM at Chambers 18B before Judge

		Dan Aaron Polster. (P,R) (Entered: 04/02/2008)
06/12/2008		Minutes of proceedings (non-document). Telephone Conference held on 6/12/08. Further Telephone Conference set for 7/2/2008 01:00 PM, to be initiated by Plaintiff. (P,R) (Entered: 06/16/2008)
07/02/2008		Order (non-document). The 7/1/08 teleconference is rescheduled for Thursday, August 7, 2008, at 9:30 a.m. to be initiated by Plaintiff. Judge Dan Aaron Polster on 7/2/08. (P,R) (Entered: 07/02/2008)
07/02/2008		(Court only) Utility Event - Terminate Hearings (P,R) (Entered: 07/02/2008)
09/11/2008	<u>12</u>	Notice: 9/25/2008 Telephone Conference reset for 1:30 PM. (P,R) (Entered: 09/11/2008)
09/25/2008		Minutes of proceedings [non-document] before Judge Dan Aaron Polster. Telephone Conference held on 9/25/08. Follow-up Telephone Conference set for 10/23/2008 12:30 PM, to be initiated by Plaintiff. (P,R) (Entered: 09/25/2008)
10/23/2008	<u>13</u>	Notice: Telephone Conference reset for 10/31/2008 2:00 PM before Judge Dan Aaron Polster. (P,R) (Entered: 10/23/2008)
10/23/2008	<u>14</u>	AMENDED Notice - Telephone Conference reset for 10/31/2008 9:30 AM before Judge Dan Aaron Polster. (P,R) (Entered: 10/23/2008)
10/31/2008		Minutes of proceedings [non-document] before Judge Dan Aaron Polster. Telephone Conference held on 10/31/08. Follow-up Telephone Conference set for 11/24/2008 3:30 PM, to be initiated by Plaintiff. (P,R) (Entered: 10/31/2008)
11/24/2008		Minutes of proceedings [non-document] before Judge Dan Aaron Polster. Telephone Conference held on 11/24/08. Follow-up Telephone Conference set for 1/6/2009 10:30 AM, to be initiated by the Court. (P,R) (Entered: 11/25/2008)
01/06/2009		Minutes of proceedings [non-document] before Judge Dan Aaron Polster. Telephone Conference held on 1/6/09. Follow-up Telephone Conference set for 2/26/2009 12:00 PM, to be initiated by Defendant. (P,R) (Entered: 01/06/2009)
02/26/2009	<u>15</u>	Scheduling Order - Telephone Conference held on 2/26/09. Status Conference set for 4/20/2009 9:00 AM in Chambers 18B before Judge Dan Aaron Polster. Status reports due by 4:00 p.m. on 4/15/09. Depositions to be complete by 3/31/09. Judge Dan Aaron Polster on 2/26/09. (P,R) (P,R). (Entered: 02/26/2009)
04/15/2009	<u>16</u>	Status Report filed by 4R Enterprises, Incorporated. Related document(s) <u>15</u> .(Weber, Ray) (Entered: 04/15/2009)
04/20/2009		Minutes of proceedings [non-document] before Judge Dan Aaron Polster. Status Conference held on 4/20/09. Follow-up Telephone Conference set for 6/9/2009 11:30 AM, to be initiated by Defendant. (P,R) (Entered: 04/20/2009)
05/20/2009		Notice [non-document]: 6/9/2009 Telephone Conference reset for 1:30 PM. (P,R) (Entered: 05/20/2009)
06/09/2009		Minutes of proceedings [non-document] before Judge Dan Aaron Polster. Telephone Conference held on 6/9/09. Follow-up Telephone Conference set for 7/9/2009 at 12:00 PM, to be initiated by Defendant. (P,R) (Entered: 06/09/2009)
07/09/2009		Minutes of proceedings [non-document] before Judge Dan Aaron Polster. Telephone Conference held on 7/9/09. Follow-up Telephone Conference set for 7/23/2009 at 12:30 PM, to be initiated by Defendant. (P,R) (Entered: 07/09/2009)
07/23/2009		Notice [non-document]: The teleconference scheduled for July 23, 2009, has been re-scheduled for July 30, 2009 at 11:30 a.m., to be initiated by Defendant. A settlement conference has been scheduled for August 5, 2009 at 3:00 p.m. in Chambers 18B of the Carl B. Stokes United States Courthouse. Representatives of the parties with full settlement authority and counsel shall appear. Additionally, a representative and counsel from non-party Trico is ordered to appear at the August 5 settlement conference. (P,R) (Entered: 07/23/2009)
07/30/2009		Minutes of proceedings [non-document] before Judge Dan Aaron Polster. Telephone Conference held on 7/30/09. Follow-up Telephone Conference set for 8/4/2009 at 12:00 PM to be initiated by Defendant. (P,R) (Entered: 08/03/2009)
08/04/2009		Dismissal Entry . Claims and counterclaims settled and dismissed with prejudice, each party to bear its

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own costs. Judge Dan Aaron Polster on 8/5/09. (P,R) Modified file date on 8/7/2009 (B,IE). (Entered: 08/05/2009)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

4R ENTERPRISES, INCORPORATED)	
700 Portage Trail)	
Cuyahoga Falls, Ohio 44221)	
)	Case No.:
Plaintiff)	
)	
v.)	Judge:
)	
REID ASSET MANAGEMENT)	
COMPANY)	
2778 S.O.M. Center Road)	COMPLAINT FOR
Willoughby, Ohio 44094)	PATENT INFRINGEMENT
)	
Defendant)	
)	
)	(JURY REQUEST ENDORSED HEREON)

Now comes Plaintiff, 4R Enterprises, Incorporated (hereinafter "4R"), and for its Complaint against Defendant, Reid Asset Management Company (hereinafter "Reid"), states as follows.

THE PARTIES

1. Plaintiff, 4R Enterprises, Incorporated, is a corporation of the State of Ohio, having its principal place of business in this district at 700 Portage Trail, Cuyahoga Falls, Ohio 44221.

2. Upon information and belief, Defendant, Reid Asset Management Company is a corporation of the State of Ohio, having places of business in this district at 2778 S.O.M. Center Road, Willoughby, Ohio 44094 and 9555 Rockside Road, Suite 350, Cleveland, Ohio 44125.

JURISDICTION AND VENUE

3. This is an action brought for patent infringement arising under the patent laws of the United States, Title 35 U.S.C. §271.

4. This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338(a), and has personal jurisdiction over Reid.

5. Venue is proper in this district under 28 U.S.C. §§1391 and 1400(b) in that Reid resides or may be found in this district and has committed acts complained of herein within this district and is further causing injury within this district by acts complained of herein outside this district.

FACTS COMMON TO ALL COUNTS

6. On February 16, 2004, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,691,557, entitled "Analysis Method for Liquid-Filled Electric Equipment" (hereinafter "the '557 patent"), to Norman Rice as inventor. A copy of the '557 patent is attached as Exhibit A.

7. On August 16, 2005, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,928,861, entitled "Method for a Reliability Assessment, Failure Prediction and Operating Condition Determination of Electric Equipment" (hereinafter "the '861 patent"), to Norman Rice as inventor. A copy of the '861 patent is attached as Exhibit B.

8. Plaintiff 4R is the lawful owner of all right, title, and interest in and to the '557 and '861 patents, and all rights of recovery regarding infringements thereof.

9. For a period of time prior to the filing of this Complaint, Reid, through its division PREDICT, has infringed one or more of the claims of the '557 and '861 patents by at least: (a) practicing the methods of one or more of such claims and/or (b) knowingly contributing to or inducing the infringement of the '557 and '861 patents by providing instructions to customers/clients of PREDICT for practicing the methods of the claims of the '557 and '861 patents and/or by providing to such customers/clients equipment especially made or especially adapted for use in the infringement of such patents, and has sold such equipment for such specifically stated use and purpose.

10. 4R and/or its predecessors-in-interest have given notice to the public of the '557 and '861 patents, in accordance with 35 U.S.C. §287.

11. The PREDICT Division of Reid has been given actual notice of the '557 and '861 patents through various written correspondence but, despite such notice, has continued to infringe those patents and has continuously done so since a time prior to such actual notice to the date of filing of this Complaint.

COUNT I

Patent Infringement of U.S. Patent 6,691,557

12. Plaintiff 4R reasserts the allegations set forth in paragraphs 1 through 11, as though fully rewritten.

13. By the acts complained of herein, Reid, through at least its PREDICT Division, has infringed and continues to infringe at least certain of the claims of the '557 patent.

14. Reid's infringement of the '557 patent has been willful.

COUNT II

Patent Infringement of U.S. Patent 6,928,861

15. Plaintiff 4R reasserts the allegations set forth in paragraphs 1 through 14, as though fully rewritten.

16. By the acts complained of herein, Reid, through at least its PREDICT Division, has infringed and continues to infringe at least certain of the claims of the '861 patent.

17. Reid's infringement of the '861 patent has been willful.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff 4R prays for the following relief:

A. An accounting of Plaintiff's damages as a consequence of the wrongful acts set forth above.

B. That the damages determined from paragraph A, above, be trebled, or that some form of exemplary damages be awarded, as a consequence of Defendant's willful wrongful acts.

C. That Plaintiff 4R be granted an injunction against Defendant, joining Defendant from and further acts of infringement of Plaintiff's patents, as set forth herein.

D. For an award of costs and attorney fees, this being an exceptional case.

E. For such additional relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff, 4R demands a jury as to those issues herein to which a jury may be had as a matter of law.



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